

Rejections under 35 U.S.C. § 112

Claim 1 is amended and the rejection should now be moot.

Rejections under 35 U.S.C. § 103(a)

The Examiner reasserts the rejection of Claim 1 over Japan 61-24121 ('121) in view of Ballew and Aksamit. Applicant disagrees for at least the following reasons.

The Examiner rejected under § 103 and as a basis for my arguments the Examiner is reminded that to establish *prima facie* obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. MPEP 2143.03. As argued previously, Applicant believes that the Examiner presents motivation to combine the references based on a misreading of the references, particularly Ballew. Because all of the elements are not disclosed in the references it would not have been obvious to combine them to arrive at the present invention.

Client notes:

1. As shown in the appended Figs. C, D and E, the protrusions in Japan No. 61-24121 and the wall in Ballew (US 3,905,118) have contact with the chain (not contact with the guide bar (not shown). Generally, the thickness of the guide bar is smaller than that of the chain, so that the protrusions or the wall cannot be pressed against the guide bar. Additionally, in Japan No. 61-24121, as shown in Fig. 3(a), the chainsaw sharpener has the structure having one side (not both sides) of right/left wall that contact with the side wall of the chainsaw. Therefore, the plate (16) is likely to wobble and tilt and it does not provide accurate sharpening of cutting edge. Moreover, even though the operator holds the electric motor by hand and pushes it forward, the side wall is not pressed against with guide bar.

2. In Aksamit (US 4, 173,908) when the adaptor (60) pushes the drill (76) and

moves the rotating shaft (72), the frame (32) has contact with the chain, however, the frame (32) is not pressed against the guide bar because the drill moves freely and is not affixed. In Aksamit 4,173,908, the frame (32) does not contact with guide bar of chainsaw, but contacts with the side of chain as shown in attached front page copy of USP '045 and '908. The frame (32) is mounted by the shaft (72) of a conventional power operated drill (76) (electric motor). The shaft (72) is mounted in adaptur (60 or 90) and movable freely. Hence, even though a conventional power operated drill (76) of electric motor is pushed forward, the pads (44) of frame (32) is not pressed against cutter bar (12) of guide bar. There is nothing in the reference that teaches a structure of pushing the electric motor.

3. The present application has the structure of holding and pushing the electric motor forward to press the two wall faces against the guide bar so that the guide body (8) is in a stable position. Both prior arts of Ballew US 3,905, 118 and Aksamit 4,173, 908 do not have the structure of pushing the electric motor forward to press the 2 wall faces against the guide bar of the chainsaw. Such structure is not disclosed in the references cited by the Examiner.

4. To the contrary, the invention of the present application has the structure of holding and pushing the electric motor (3) forward to press the 2 wall faces (81a, 81c or 81b, 81d) against the guide bar (40), so that it enables the guide body (8) and grinding tool (7) kept in stable position. It is not needed to hold the guide body (8) by hand. Accordingly, there is a significant difference between the references and the present application.

5. As described in the Specification pg. 10, line 22 to pg. 11, line 7, the shape of the wall face enables the contact with the guide bar and prevents the contact with the cutter blade of the wobbling saw chain, which is movably supported (refer to Figs. 8A, A and B)

6. Moreover, the present application has the structure of defining the accurate cutting edge angle by adjusting the positional relationship between the guide portion (87) and the grinding tool (7). However, such a structure is not disclosed in the art cited by the Examiner.

7. Cutting Edge Angle:

a. In Japan No. 61-24121, as shown in Fig. 3 (a) and (b), the plate (16) of the

chainsaw sharpener holds the upper cutting edge in various positions and the accurate cutting edge angle cannot be attained.

b. In Ballew US 3,905,118, as shown in Fig. 1, the fill guide has the structure where the bottom surface (10b) holds both of the depth gauge (22) and the top plate (20). Therefore, it cannot provide accurate cutting edge angle due to the difference in height of these 2 parts.

c. In Aksamit 4,173,908, as shown in Fig. 1, the saw chain sharpener fixture does not have the structure which holds routing edge of the tooth (18) from upper side. Hence, the routing edge of the tooth (18) is likely to wobble and tilt when grinding and it cannot provide accurate cutting edge angle.

8. To the contrary, the invention of the present application has the structure of which the guide portion (87) is in the appropriate position to set the accurate cutting edge angle toward the grinding tool (7).

9. Attachment : front page of USP '045 and '908.

Tracy's Notes:

The Examiner states that "to provide side wall faces on the lower surface of the guide body to aid in aligning the grinding tool with respect to the chain saw blade would have been obvious in view of Ballew.

None of the references cited by the Examiner teach a "satisfactory means to stabilize the posture of the grinder or the sharpener" (specification, page 3). The main goal of the present invention is to provide a tool that allows practically anyone to sharpen a saw blade. The present invention prevents wobble during sharpening, it provides more accurate sharpening angles, and it provides ease of operation when aligning for sharpening.

Japanese 61-24121 provides for an apparatus for grinding and sharpening and it is attached to a drill. However, it only uses the chain for stabilization. This is not accurate and allows the hand to wobble and does not provide accurate sharpening.

Ballew again deals only with a chain and not a chain bar. Again there is no way to control the accuracy of the angle except for user ability. There is no ease of use and no mention of using the bar to stabilize.

The Examiner states that Aksamit discloses a chainsaw sharpener having guide wall faces which are pressed against a guide bar of the chainsaw to stabilize the sharpening tool during use. This is not true. They are only as guides, not to truly stabilize the tool.

First, Aksamit does provide use of the chain bar, but as can be seen from the figures, the connection to the "stabilizing bar 17" is anything but secure, stable or accurate. The drill is somewhat guided by support bracket 40. The Examiner is directed to column 2, lines 37 through 54. Specifically, the support bracket 40 is designed mostly as an eyeball guide, not as a true solidly connected guide. The inventor in Aksamit even states that "the upper surface 42 of support bracket 40 is marked with alignment lines 45 and 47 making interior angles of 30 degrees with sidewall 14. These benchmarks can be used by the operator to align the sharpening tool guide for sharpening left or right facing cutting links at 30 degree or 35 degree angles..." It is clear from this description that the support bracket is not meant to fix the position of the sharpening tool, as is taught in the present invention, but is simply a guide for the user to follow. This wobbly, guide bar is minimally connected to guide bar 17 and as be seen from the figures above, this flimsy connection could in no way provide the type of secure connection provided by the present invention.

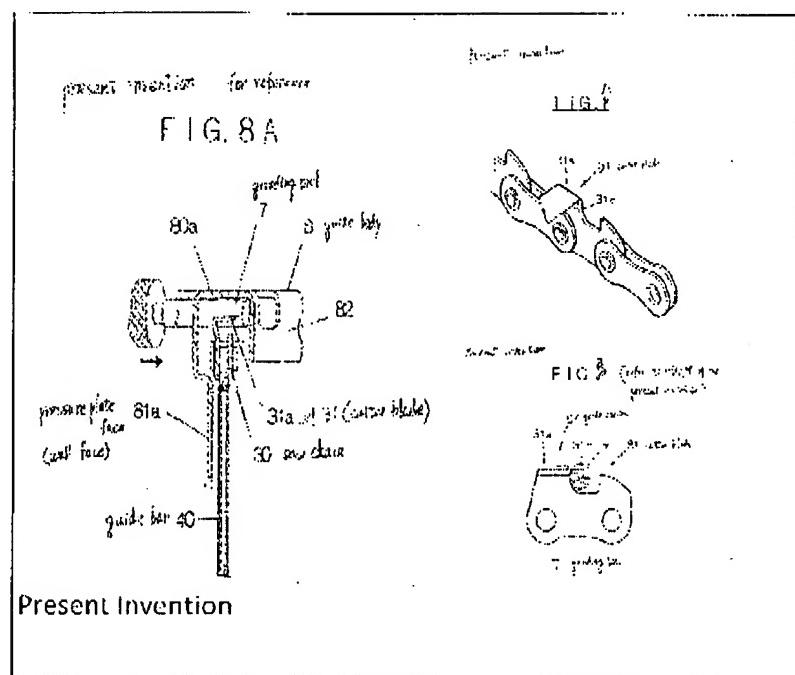
The Examiner states in response to previous arguments that the upper plate (34) in Aksamit does provide support for the sharpener. Applicant respectfully disagrees and would like to direct the Examiner to column 2, lines 28 through 30 of Aksamit. 34 in Aksamit is actually a depth gauge opening and not an upper plate. Applicant submits that as argued above, there is no support for the sharpener.

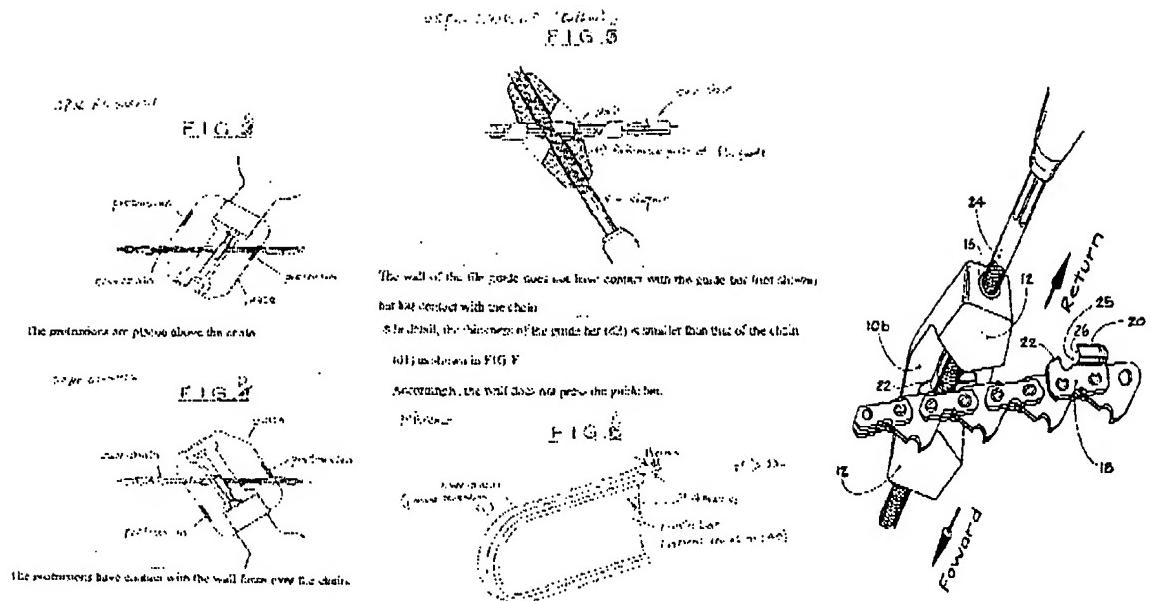
Further, the Examiner states that the depending wall contact the sides of the guide bar to stabilize the sharpening tool and to prevent wobbling. This is not taught anywhere in Aksamit. The great advantage of Aksamit, as disclosed in Aksamit, is to provide adjustability to sharpen at any angle specified by manufacturers (column 3, lines 28 through 30).

The Examiner finally states that Aksamit teaches the side walls contact the sides of the chainsaw bar, thus allowing the sharpening worker to push the motor to apply a force to bias

the wall faces against the side of the guide bar. This is not the function of the support bracket (40) i.e., the only thing connecting the drill guide to guide plate 17 and this is not taught or described anywhere in the specification of Aksamit. Due to the structure, it would not be possible to provide the type of support taught by the present invention, and as such it would not have been obvious to rely on Aksamit for this teaching.

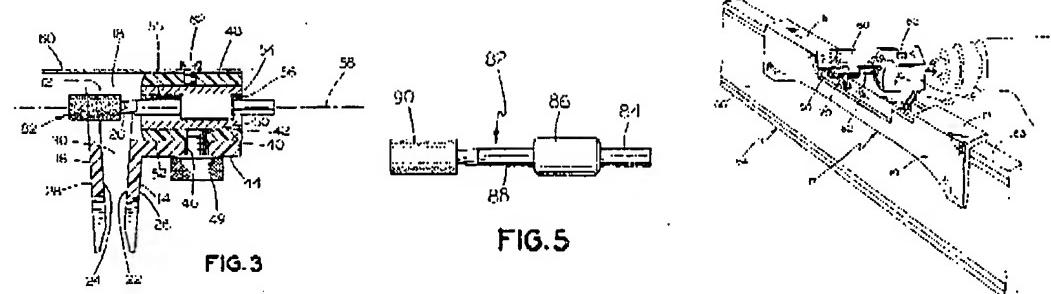
Thus, considering the above and the teachings of all references, it would not have been obvious to anyone to combine JP 61-24121 and Ballew (that use only the chain for stability) with Aksamit (that really doesn't use the bar for stability but rather just as a guide) to arrive at the present invention. There is no teaching or suggestion in any of the references that would lead anyone skilled in the art to arrive at the present invention.





Ballew

Aksamit



Conclusion

In view of the above, Applicant respectfully submits that Claim 1 recites statutory subject matter that is novel and new, is subject matter of the present invention and is fully supported in the disclosure of the present invention, and therefore respectfully requests that

Claim 1 be found allowable and that this application be passed to issue. No new matter has been included.

Respectfully submitted,

By: /Tracy M Heims 53010/
Tracy M. Heims
Reg. No. 53,010

Apex Juris, PLLC
12733 Lake City Way Northeast
Seattle, Washington, 98125
Email: tracy@apexjuris.com
Phone (206) 664-0314
Fax (206) 664-0329